

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

DORA DAVIS,

Plaintiff,

vs.

ALBANY INTERNATIONAL,
JEFF JOHNSTON,
Defendant.

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CIVIL ACTION NO: 2:05cv1040-WKW

**AFFIDAVIT OF VICKY U. TOLES PURSUANT TO RULE 56(f)
OF THE ALABAMA RULES OF CIVIL PROCEDURE**

My name is Vicky U. Toles. I am over the age of twenty-one (21), and I am a resident of the State of Alabama. I am presently employed as a partner at the law firm of Toles and Williams. I am one of the attorneys for plaintiff Dora Davis in the above-styled action.

1. On June 7, 2006, Defendants were deposing the plaintiff for the second day.
2. At the end of the testimony, defendant's counsel requested that plaintiff's counsel speak with plaintiff regarding the voluntary dismissal of her complaint.
3. Prior to the conversation with defendant's counsel, depositions were scheduled for defendants Jeff Johnston and Ted Bryant with Albany International.
4. The depositions did not take place as scheduled due to the discussion surrounding plaintiff possibly voluntarily dismissing her complaint.
5. Shortly thereafter, Plaintiff had a family emergency that prevented her from contacting her counsel for two weeks.
6. Thereafter, the time to file motions per the court's scheduling order were upon plaintiff's counsel.
7. Consequently, Plaintiff has not had an opportunity to adequately depose defendant thereby placing her at a disadvantage for filing a response to the summary judgment motion of

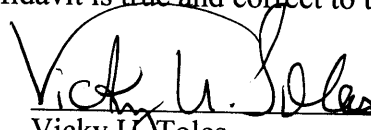
Exhibit
A

defendants.

8. The following is some of the discovery which I believe plaintiff must conduct in order to fully prepare to defend her claims:

- a) Depose Jeff Johnston, former plant manager, and defendant in this case;
- b) Depose Ted Bryant, personnel manager for Albany International who has information concerning the procedures surrounding the short-term and long-term disability plans, retirement benefits and other personnel who work for the company.
- c) Depose Glenda Missildine who is a similarly situated white worker who plaintiff feels was treated differently from herself by the company concerning workman compensation injuries, retirement benefits and short-term and long-term disability payments received.

All of the information contained in this Affidavit is true and correct to the best of my knowledge.


Vicky U. Toles

Sworn to and subscribed before me this the 19th day of July, 2006.


NOTARY PUBLIC

My commission expires 1-26-09

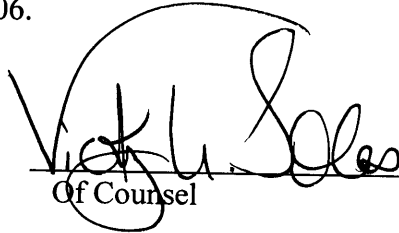
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by placing a copy of the same in the U.S. mail, postage prepaid, and addressed as follows:

Charles A. Powell, IV.
Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C.
Wachovia Tower
420 20th Street North, Suite 1600
Birmingham, AL 35203

Lynlee Wells Palmer
Johnston Barton Proctor & Powell LLP
2900 AmSouth/Harbert Plaza
1901 Sixth Avenue North
Birmingham, AL 35203

Dated this the 19th day of July, 2006.



Of Counsel